

NOTICE OF PROPOSED ACTION

The Administrator, Division of Environmental Protection, Carson City, Nevada is issuing the following notice of proposed action under the Nevada Revised Statutes and the Clean Water Act. The Administrator has received an application for National Pollutant Discharge Elimination System Permit NV0023272 from the following applicant:

Estate of Robert E. Cowan
c/o Mackedon, McMormick and King
179 South Laverne Street
Fallon, Nevada 89407

The Applicant owns the former Lightning Lube Facility, that included a fueling station, located at 1 South Maine Street, Fallon, Nevada. The groundwater beneath the facility is contaminated with petroleum hydrocarbons. A groundwater recovery and remediation system has been designed to remove elevated levels of petroleum hydrocarbon contaminants prior to discharge into the City of Fallon storm drain system. The storm drain system conveys the treated groundwater to a discharge outfall located on Wildes Irrigation Ditch. The permitted maximum 30-day average discharge rate of this treatment system is proposed to be 8.0 gallons per minute. The Applicant will discharge from this treatment system until the Division's Bureau of Corrective Actions has approved final site closure and cleanup criteria. The Division has made the tentative determination to issue the proposed permit for a period of five (5) years.

Persons wishing to comment upon or object to the proposed determinations by the Administrator regarding permit issuance, or request a hearing pursuant to the Nevada Administrative Code, Water Pollution Control, should submit their comments or request, in writing, within thirty (30) days of the date of newspaper publication, postmarked no later than 5:00 P.M. on May 24, 2003, either in person or by mail to:

Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Water Pollution Control
333 West Nye Lane
Carson City, Nevada 89706-0851

The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. All comments or objections received within the thirty (30) day period will be considered in the formulation of final determinations regarding the application. If written comments indicate a significant degree of public interest in the proposed permit, the Administrator shall hold a public hearing. A public notice of such hearing will be issued not less than thirty (30) days prior to the hearing date.

If no hearing is held and the determinations of the Administrator are substantially changed from the tentative determinations, the Administrator will give public notice of the revised determinations. Additional comments and objections will be considered at that time. The application, proposed permit, comments received, and other information are on file and may be copied or copies may be obtained by writing to the above address or by contacting Bruce Holmgren, Bureau of Water Pollution Control, at (775) 687-9423 or at bholmgre@ndep.nv.gov. The office facsimile number is (775) 687-4684.